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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,866	01/08/2002	Jeffrey R. Contino	181601-1060	5311
23859	7590	10/19/2004	EXAMINER	
NEEDLE & ROSENBERG, P.C. SUITE 1000 999 PEACHTREE STREET ATLANTA, GA 30309-3915			DOAN, KIET M	
			ART UNIT	PAPER NUMBER
			2683	5

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/042,866

**Applicant(s)**

CONTINO ET AL.

**Examiner**

Kiet Doan

**Art Unit**

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claims 11, 12** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Consider **claim 11**,

page 18, lines 3, the phrase "mating element or located in the belt clip"

page 18, line 4, the phrase "car clip, or clothing carrier"

renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Consider **claim 12**,

Page 19, line 3, the phrase "mating element or located in the clip"

Page 19, line 4, the phrase "or the clothing carrier"

renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**2. Claims 1-3, 5-9, 14-19, 22-24, 26-27, 29-30** are rejected under 35 U.S.C. 102(e) as being anticipated by Berstic et al. (Patent No. 6,408,187).

Consider claim 1, Berstis teaches a method for altering an operational aspect of a mobile electronic device (Col 3, lines 21-30 teach electronic device under number of operation which would be altering operation) the method comprising: providing a sensor associated with the mobile electronic device (Col 3, lines 52-56 teach sensor associated with electronic device) determining whether the sensor is coupled to a mating element associated with the sensor (Col 8, lines 58-64 teach coupled with sensor) developing a signal in the sensor (Col 6, lines 65-67 teach sensor multiple type which would be as developing sensor signal) the signal determined by whether the sensor is coupled to the mating element (Col 8, lines 58-60 teach sensor coupled) receiving the signal in a processor (Col 3, lines 56-67, Col 11, lines 1-2 teach processor and received signal) and altering a characteristic of the mobile electronic device based on the received sensor signal (Col 4, lines 31-41, Col 11, lines 1-2 teach altering and sensor signal)

Consider **claims 2 and 23**, Berstis teaches the method wherein the altering step alters a user interface characteristic of the mobile electronic device (Col 3, lines 53-54, Col 4, line 29-30 teach altering and electronic device included interface).

Consider **claims 3, 16 and 24**, Berstis teaches the method wherein the altering step alters a radio frequency (RF) characteristic of the mobile electronic device (Col 6, lines 41-43 teach altering and (RF) frequency).

Consider **claims 5 and 26**, Berstic teaches the method/logic configure further comprising altering a user interface characteristic based upon a sensor signal determined by the mating element if the determining step concludes that the sensor is coupled to a mating element (Col 8, lines 51-64 teaches sensor is coupled and mating element which would be multiple number of electronic device).

Consider **claims 6 and 27**, Berstic teaches The method of claim 1, further comprising altering a radio frequency (RF) characteristic based upon a sensor signal determined by the mating element if the determining step concludes that the sensor is coupled to a mating element (Col 6, lines 41-43, Col 8, lines 51-64 teach alternate (RF) and sensor is coupled to mating element).

Consider **claims 8, 18 and 29**, Berstic teaches the method wherein the user interface characteristic is dynamically adjustable by a users of the mobile electronic device (Col 4, lines 21-26 teach interface and adjustable).

Consider **claims 7, 17 and 28**, Berstic teaches the method wherein the user interface characteristic predetermined and stored in a memory associated with the processor (Col 3, lines 53-61 teaches interface, store/memory associated with processor).

Consider **claims 9, 19 and 30**, Berstic teaches the method wherein the RF characteristic is predetermined and stored in a memory associated with the processor (Col 3, lines 57-61, Col 6, lines 42-43 teaches processor associated with store/memory and RF).

Consider **claim 14**, Berstic teaches the system of claim 12, wherein the sensor is coupled to the mating element and the mating element determines the sensor signal (Col 8, lines 52-60 teach sensor is coupled and mating element such as multiple electronic device).

Consider **claim 15**, Berstic teaches the system wherein the sensor signal causes the logic to alter a user interface characteristic of the mobile electronic device (Col 8, lines 60-65 teach sensor altering lights).

Consider **claim 22**, Berstic teaches a computer readable medium having a program (Col 3, lines 30-32, 60-21 teach computer, read and program) for altering an operational aspect of a mobile electronic device, the program comprising logic configured to perform the steps of (Col 3, lines 21-30 Col 4,

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lines, 31-35 teach alternate and program) determining whether a sensor associated with the mobile electronic device is coupled to a mating element associated with the sensor (Col 8, lines 58-67, Col 9, lines 1-10 teach sensor is coupled and mating element) developing a signal in the sensor (Col 3, lines 56-67, Col 11, lines 1-2 teach signal sensor) the signal determined by whether the sensor is coupled to the mating element (Col 8, lines 58-60 teach sensor is coupled) receiving the signal in a processor (Col 3, lines 56-67, Col 11, lines 1-2 teach signal in processor) and altering a characteristic of the mobile electronic device based on the received sensor signal (Col 4, lines 29-37, Col 8, lines 35-37 teach altering and received sensor signal)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 4, 10, 11, 13, 20, 21, 25, 31, 32** are rejected under 35 U.S.C.

103(a) as being unpatentable over Berstic et al. (Patent No. 6,408,187) in view of Kennedy et al. (Patent No. 6,377,825).

Consider **claims 4 and 25**, Berstis teaches the invention but fail to teach the method further comprising using a default user interface characteristic and a default radio frequency characteristic if the determining step concludes that the



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sensor is not coupled to the mating element. In an analogous art, Kennedy teaches "Hand-Free Wireless Communication In a Vehicle". Further, Kennedy teaches the method further comprising using a default user interface characteristic and a default radio frequency characteristic if the determining step concludes that the sensor is not coupled to the mating element (Col 6, lines 23-44 teach radio frequency that mating element in electrical connectors and interface module).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include, within Berstic system, hand-free wireless, as taught by Kennedy to modify the system that would be provided to the users aware of connection/communication based on the location. Cite art that teaches option of selectively couple and decouple by Hwang (patent no. 5,459,774) Col 2, line 40.

Consider **claims 10, 20, 31**, Kennedy further teaches the method wherein the mating element is chosen from the group consisting of, no coupling, a belt clip, a belt pouch, a charger, a car clip, and a clothing carrier (Col 2, lines 40-45, lines 59-63 teach mating element which reads on mating with various electrical connector. Cite art that teaches option of selectively couple and decouple by Hwang (patent no. 5,459,774) Col 2, line 40. A belt pouch, a charger, a car clip, and a clothing carrier are well known in the art. Cite art that teaches belt clip by Marriam (patent no. 6,408,187) Col 3, lines 42).

Consider **claims 11, 21, 32**, Kennedy further teaches the method wherein the altering step alters an operational aspect of the mobile electronic device

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based upon whether the mobile electronic device is uncoupled from the mating element or located in the belt clip, the belt pouch, the charger, the car clip, or the clothing carrier (Col 2, lines 39-45, Col 6, lines 45-67, Col 7, lines 1-22 teach mating and altering in multiple signal lines. Cite art that teach option of selectively couple and decouple by Hwang (patent no. 5,459,774) Col 2, line 40. A belt pouch, a charger, a car clip, and a clothing carrier are well known in the art. Cite art that teach belt clip by Marriam (patent no. 6,408,187) Col 3, lines 42).

Consider **claim 13**, Kennedy further teach the system wherein the sensor is decoupled from the mating element and the sensor signal causes the logic to use a default user interface characteristic and a default radio frequency (RF) characteristic (Col 6, lines 23-34 teach mating element and RF. Cite art that teach option of selectively couple and decouple by Hwang (patent no. 5,459,774) Col 2, line 40).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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4. **Claim 12** is rejected under 35 U.S.C. 102(e) as being anticipated by Merriam (Patent No. 6,408,187).

Consider claim 12, Marriam teaches a system for altering an operational aspect of a mobile electronic device (Col 1, lines 57-65 teach altering operation in communication device from audio to vibration or visual which would be electronic device)) comprising: a sensor associated with the mobile electronic device (Col 2, lines 16-19 teach sensor associated with communication device) a mating element associated with the sensor, the sensor configured to develop a signal based on the mating element (Col 5, lines 15-46 teach mating associated with sensor which mating would read on likelihood) and logic configured to receive the signal from the sensor and alter a characteristic of the mobile electronic device based on the received sensor signal (Col 2, lines 9-23 teach sensor and alter characteristic of communication device).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

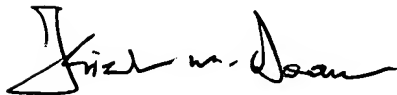
- |                  |                       |
|------------------|-----------------------|
| 1. Bajikar       | Pub. No. 2003/0112182 |
| 2. Hwang         | Patent No. 5,459,773  |
| 3. Macfarlane    | patent No. 6,697,645  |
| 4. Choi          | patent No. 5,603,101  |
| 5. Gihuly et al. | Pub. No. 2002/0049818 |

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 703-305-4749. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kiet Doan  
Patent Examiner



WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600